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RAYMOND J. BAZELL 6517 Yarmouth Ave. Reseda, CA. 91335 Phone (818)770-9658 Plaintiff Pro Se



UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

RAYMOND J. BAZELL,

Case No. CV11-02097GHK(OP)

Plaintiff,

PLAINTIFF'S OBJECTIONS TO REPORT AND RECOMMENDATIONS;

4 THE PEOPLE OF THE STATE OF

DECLARATION OF RAYMOND J. BAZELL; EXHIBITS

CALIFORNIA,

Defendant.

v.

TO THIS COURT:

Plaintiff RAYMOND J. BAZELL (Plaintiff) hereby submits his Objections to U.S. Magistrate Judge Honorable OSWALD PARADA'S (Mag. Parada's)
Report and Recommendations dismissing this case.

I. INTRODUCTION

On March 11,2011, Plaintiff filed this civil case on grounds of deprivation of his constitutional rights under 42 U.S.C. ²1983 (Code 440 - Other civil rights) stating in its cover sheet: "My case from a redlight-camera ticket was fraudulently prosecuted by a sheriff deputy instead of by the Office of the City Attorney", exhibit 1.

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On April 11,2011, Plaintiff's Complaint was filed with an already erroneous code by the court's clerk indicating code 530 (Prisoner's Petition-General), exhibit 2.

On March 24,2011, Mag. Parada ruled said civil rights Complaint to be a Habeas Corpus Writ, exhibit 3.

On or about May 31,2011, Plaintiff received Mag. Parada's Report and Recommendations dismissing his Complaint, and ordering Plaintiff to

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II. DECLARATION OF RAYMOND BAZELL

I, RAYMOND J. BAZELL, declare:

file his Objections (If any) within 15 days.

Requesting relief due to lack of due process by City Attorney and L.A. County Sheriff who sat in as prosecutor, the obvious prejudicial error which was ignored by the State appeal process occurred on March 25,2010. Fact that on March 9,2010, a motion was properly made to Traffic Violations Bureau by receiving the certified mail request. This motion was for CD of the violation. This CD was needed to bolster my defense which consisted of logistics and photographs.

I appeared before Pro Tem judge Carolyn Phillips, in Dept. 109 of the Van Nuys Superior Court.

The proceedings were undertaken by a L.A. County sheriff deputy acting as the prosecutor. No city attorney deputy was visible or responding at any time during these "Kangaroo Court" type proceedings.

I showed a copy of the request for the CD (Certified mail received) to the judge. As receiving "discovery" in a criminal matter, I could not substantiate my defense without the benefit of the CD.

The sherif-prosecutor denied my right to the CD. The judge ordered the

case to proceed. The verdict was guilty after a four-minutes trial. 1 The conclusion is that by acting pro per, I was not afforded the same 2 same rights as an attorney. I was refused "discovery" which was essent-3 ially vital to my defense. The sheriff deputy, who was not an attorney who passed the California Bar acted as a substitute for the City Attorney, which means that the Pro Tem judge acted as the prosecutor's assistant which created most . 7 "bias" instead of neutrality. 8 Thus, not only was I denied due process in this case but those actions 9 violated my constitutional right to a fair trial. 10 Finally, I request this honorable Court to set this erroneous decision 11 aside , but to also publicly admonish this unfair process taking place 12 in Department 109, of the Van Nuys Superior Court. 13 June 11,2011 14 15 16 17

RAYMOND J. BAZELL Plaintiff Pro Se

III. MEMORANDUM OF POINTS AND AUTHORITIES

1. Plaintiff never intended nor filed a Habeas Corpus Petition, but a civil rights §1983 Complaint conveying at its fulcrum a gross violation of his XIV Amendment constitutional rights of due process:

U.S. Constitution Amendment XIV-Section 1:

* * * * * * * * * *

"nor shall any State deprive any person of ... property, without due process of law"

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city attorney prosecuting; 2 (b) The person that prosecuted Plaintiff's citation was a County 3 of L.A. deputy sheriff -officer PINO, exhibit 4; 4 (c) Courts' prosecution of civil (Infractions) or criminal cases 5 should only be conducted by deputy city attorneys (Misdemeanors) or б 7 District Attorneys (Felonies); (d) Besides the gross violation, there was also an unconstitut-8 ional violation of the separation of powers [The interested deputy 9 sheriff, as part of the Executive Branch (issuing the citation); while 10 prosecutions should be uddertaken by the Judiciary Branch]. 11 A Habeas petition is submitted in Form CV0-69 (04/05) which 12 caption reads: "Petition for Habeas Corpus by a person in State custody 13 28 U.S.C. §2254". 14 This is not what Plaintiff submitted.. 15 (a) 28 U.S.C. §2254 State Custody; Remedies in Federal Courts 16 (a) " The Supreme Court, a Justice thereof, a 17 circuit judge, or a district court shall 18 entertain an application for a Writ of 19 Habeas Corpus in behalf of a person in 20 custody..." 21 (b) Plaintiff is not even "in custody"; 22 (c) Subject matter jurisdiction over a habeas petition 23 exists only when, at the time the petition is filed, the petitioner is 24

(a) On March 25,2010, at the trial court, there was no deputy

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421 F.3d 1027,1033 n5 (9th Cir. 2005);

"in custody". See Maleng v. Cook, 490 U.S. 488, 490-91, 109 S.Ct. 1923

Mag. Parada's ruling of March 24,2011 (Exhibit 3) classifying

104 L.Ed 2d 554 (1968); Fowler v. Sacramento County Sheriff's Dept,

Plaintiff's Complaint for deprivation of civil rights 42 U.S.C.§1983, as a 28 U.S.C. §2254 Petition for Habeas Corpus, was clearly erroneous and another violation of Plaintiff's constitutional rights.

IV. CONCLUSION

For all the foregoing, Plaintiff requests this Court to proceed with his original Complaint for deprivation of his constitutional rights pursuant to 42 U.S.C. §1983 by ordering The People-Los Angeles Office of the City Attorney to show cause.

June 11,2011

RAYMOND J. BAZELL

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I live in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my address is 7049 White Oak Ave., Reseda, CA. 91335.

On June 11,2011 f served the foregoing documents: PLAINTIFF'S OBJECTIONS TO REPORT AND RECOMMENDATIONS; DECLARATION OF RAYMOND J. BAZELL; EXHIBITS

by placing true copies thereof enclosed in a sealed envelope addressed as follows:

[] Via U.S. Mail

CAROLYN PHILLIPS, PROTRY NOGAR VAN NUY SUPURIOR COURT 14400 ERWIN ST. MALL, DPF. 109 VAN NUYSIA. 91401

I deposited such envelope in the mail at Reseda California. The envelope was mailed with postage thereon fully prepaid.

[] By personal service

I delivered such envelope by hand to:

Executed on June 11,2011

at Reseda

California.

I declare under penalty of perjury under the laws of the United States that all the foregoing is true and correct.

THOMAS SMITH

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself. (2)				DEFENDANTS					
RAYMOND J. BAZELL				THE PEOPLE OF THE STATE OF CALIFORNIA					
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):			County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):						
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)				representing	Attorneys (I	f Known)			
SAME				LOS A	NGELES C	TTY	ATTORNE	Y'S OFFICE	
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Name: RAYMOND J. BAZEU Address: 6517 YARMOUTH AVR. 2 FILED CLERK, U.S. DISTRICT COURT RESUDA, CA. 91335 3 Phone: (818) 770-9658 APR | 1 2011 4 5 CENTRAL DISTRICT OF CALIFORNIA Fax: 6 In Pro Per 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF CALIFORNIA RAYMONS J. BAZRU 10 11 To be supplied by the Clerk of Plaintiff 12 The United States District Court 13 THE PROPLEOF THE STATE 14 OF MCIFORNIA COMPLAINT 15 Defendant(s). 16 17 18 Supreme Ct. of California No. S189145 19 Court of Appeal of Ca. No. B229022 Superior Ct. Appellate Div. BR048247 20 Superior Court - Trial Court No. 046011TT 21 22 口₂₃ 口₂₄ 口₂₅ 26 27 28 CV-126 (09/09) PLEADING PAGE FOR A COMPLAINT

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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S ANGELES SUPERIOR COURT - VAN NUYS BRANCH COURT 4400 ERWIN STREET MALL VAN NUYS, CA 91401-2705

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RAYMOND J. BAZRUL 6517 YARMOUTH DER. RESEDALOR. 91335

U.S. DISTRICT COURT

RASTERN DIVISION

HON. OSWALD PARADA,

U.S. MAGISTRATULAUGE

3470 TWELTH ST., CTRM 3

RIVERSIDE, CA. 92501-3000



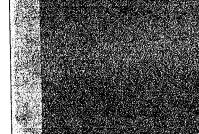




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